

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NATHEN BARTON

Plaintiff,

VS.

SOPI FINANCIAL, LLC, TOP  
HEALTHCARE SOLUTIONS, LLC,  
ADROIT HEALTH GROUP, LLC, AND  
JOHN DOE 1-10

Defendants.

CASE NO.  
\_\_\_\_\_

JUDGE  
\_\_\_\_\_

MAGISTRATE JUDGE  
\_\_\_\_\_

NOTICE OF REMOVAL

Defendant Adroit Health Group, LLC (“Adroit”) hereby gives notice and removes this action from the Clark County District Court for the State of Washington, pursuant to 28 U.S.C. §1441 and §1446, and based on the Court’s jurisdiction under 28 U.S.C. §1331. In support of this removal, and reserving all rights, objections, defenses and motions, Adroit asserts the following:

1. 1.

2 On November 22, 2021, plaintiff Nathen Barton (“Barton” or “Plaintiff”) 2  
3 filed his Original Complaint for a Civil Case and Injunctive Relief (“State Court 3  
4 Complaint”) in the matter entitled “*Nathen Barton v. Sopi Financial, LLC, Top* 4  
*Healthcare Solutions, LLC, Adroit Health Group, LLC, and John Doe 1-10,*” No. 5  
6 21C5747-6, In the District Court of State of Washington, Clark County. 6

7. 7. 2.

8 Adroit has attached a copy of Barton’s state court complaint (the “State 8  
9 Court Complaint”) as Exhibit “1” to this notice. In addition, Adroit has attached 9  
10 copies of the entire state court record at the time of the removal, as Exhibit “2” (*in* 10  
11 *globo*) to this notice. 11

12 **Removal Jurisdiction**

13. 13. 3.

14 This Court has jurisdiction over this removed action pursuant to 28 U.S.C. 14  
15 §1331 because the State Court Complaint asserts violations of the federal 15  
16 Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227, *et seq.*, and the 16  
17 federal Racketeer Influenced and Corrupt Influences Act (“RICO”), 28 U.S.C. 17  
18 §1961, *et seq.* The State Court Complaint also asserts claims under Washington 18  
19 state law (RCW 19.158.050, RCW 19.158, RCW 80.36.390(2), RCW 80.36.390(3), 20  
20 RCW 80.36.400). 21  
22  
23  
24

## Venue

4.

The State Court Complaint alleges that Barton is a resident of Clark County, Washington, and that all of “the acts alleged in this complaint occurred in Clark County, Washington State.” *See* State Court Complaint, Section III, p. 3. Consequently, venue is proper in this case pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to the claims allege claims arise in the Western District of Washington.

### **Background Events and Information**

5

Adroit provides certain types of cost-effective insurance products, including medical insurance, prescription drug benefit plans, dental and vision insurance, supplemental insurance plans, term-life insurance and disability insurance.

6

In the State Court Complaint, Barton alleges that Adroit and the other Defendants violated the provisions of the TCPA and Washington state law by placing unsolicited telephone calls to him, seeking to sell him health care insurance. The State Court Complaint alleges that Adroit and the other Defendants made twenty-three unsolicited and illegal phone calls to him.

7.

The State Court Complaint alleges the telephone calls from the Defendants took place between May 3, 2021 and October 20, 2021.

1 8.

2 The State Court Complaint alleges that each of these unsolicited and illegal  
3 phone calls, along with the collective conduct of the Defendants, amounted to  
4 violations of the TCPA, RICO, and Washington state law, allowing Barton to  
5 recover damages (including treble damages), attorney's fees, as well as injunctive  
6 relief.

7 **Timeliness of Removal and Consent By United**

8 9.

9 Generally, under 28 U.S.C. §1446, a notice of removal must be filed within  
10 30 days of receipt by the defendant, by service or otherwise, of the initial pleading  
11 setting forth the claim for relief. *See* 28 U.S.C. §1446(b)(1).

12 10.

13 Adroit was served with (and first received) the State Court Complaint  
14 through its agent for service of process on November 30, 2021.

15 11.

16 Because this notice of removal is being filed within 30 days of when Adroit  
17 was served with the State Court Complaint, as well as within 30 days of when  
18 each of the other defendants was served, the removal notice is timely.

19 **Compliance with Removal Procedure**

20 12.

21 Pursuant to 28 U.S.C. §1446(d), promptly after filing this notice of removal,  
22 Adroit will serve a copy of this notice on Barton and will promptly file a copy of  
23

1 this notice with the Clerk of Court for the Clark County District Court, Clark  
2 County Washington.

3 **Reservation of Rights**

4 13.

5 Adroit expressly reserves all rights, defenses, objections and motions that it  
6 could have raised in response to the State Court Complaint when filed.

7  
8 Respectfully submitted,

9 **SIDERIUS LONERGAN & MARTIN,  
10 LLP**

11 s/ Michael Siderius  
12 Michael Siderius, WSBA #25510  
13 500 Union Street, Suite 847  
Seattle, WA 98101  
Telephone: (206) 624-2800  
Facsimile: 206/624-2805  
Email: [michaels@sidlon.com](mailto:michaels@sidlon.com)

15 ***Attorney for Defendant Adroit Health  
16 Group, LLC***

17 **CERTIFICATE OF SERVICE**

18 I hereby certify under penalty of perjury under the laws of the State of  
19 Washington, that on December 29, 2021, I electronically filed the foregoing with  
20 the Clerk of the Court using the CM/ECF system which will send notification of  
21 such filing to the following:

22 Nathon Barton  
23 4618 NW 11<sup>th</sup> Cir.  
Camas, WA 98607

1 Sopi Financial, LLC  
2 c/o Flamur Sopi, Registered Agent  
3 9506 SW 1<sup>st</sup> Court  
4 Coral Springs, FL 33071

5 Top Healthcare Solutions, LLC  
6 c/o John A. Mahaney, IV, Registered Agent  
7 600 Fairway Drive, Suite 108  
8 Deerfield, FL 33441

9  
10 DATED this 29th day of December, 2021.  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

\_\_\_\_\_  
/s/ Michael Siderius

Michael Siderius